

Union Calendar No. 73

107TH CONGRESS
1ST SESSION

H. R. 2356

[Report No. 107–131, Part I]

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mr. SHAYS (for himself and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 10, 2001

Reported adversely from the Committee on House Administration

JULY 10, 2001

Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than July 10, 2001

JULY 10, 2001

The Committees on Energy and Commerce and the Judiciary discharged; referred to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

(a) SHORT TITLE.—This Act may be cited as the
“Bipartisan Campaign Reform Act of 2001”.

Sec. 1. Short title; table of contents.

Sec. 103. Reporting requirements.

Sec. 204. Rules relating to certain targeted electioneering communications.

Sec. 214. Coordination with candidates or political parties.

Sec. 311. Study and report on Clean Money Clean Elections laws.

- Sec. 312. Clarity standards for identification of sponsors of election-related advertising.
- Sec. 313. Increase in penalties.
- Sec. 314. Statute of limitations.
- Sec. 315. Sentencing guidelines.
- Sec. 316. Increase in penalties imposed for violations of conduit contribution ban.
- Sec. 317. Restriction on increased contribution limits by taking into account candidate's available funds.
- Sec. 318. Clarification of right of nationals of the United States to make political contributions.
- Sec. 319. Prohibition of contributions by minors.
- Sec. 320. Definition of contributions made through intermediary or conduit for purposes of applying contribution limits.
- Sec. 321. Prohibiting authorized committees from forming joint fundraising committees with political party committees.
- Sec. 322. Regulations to prohibit efforts to evade requirements.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

- Sec. 401. Severability.
- Sec. 402. Effective date.
- Sec. 403. Judicial review.

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

- Sec. 501. Internet access to records.
- Sec. 502. Maintenance of website of election reports.
- Sec. 503. Additional monthly and quarterly disclosure reports.
- Sec. 504. Public access to broadcasting records.

1 **TITLE I—REDUCTION OF** 2 **SPECIAL INTEREST INFLUENCE**

3 **SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

4 (a) IN GENERAL.—Title III of the Federal Election
5 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
6 by adding at the end the following:

7 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

8 “(a) NATIONAL COMMITTEES.—

9 “(1) IN GENERAL.—A national committee of a
10 political party (including a national congressional
11 campaign committee of a political party) may not so-
12 licit, receive, or direct to another person a contribu-

1 tion, donation, or transfer of funds or any other
2 thing of value, or spend any funds, that are not sub-
3 ject to the limitations, prohibitions, and reporting
4 requirements of this Act.

5 “(2) APPLICABILITY.— The prohibition estab-
6 lished by paragraph (1) applies to any such national
7 committee, any officer or agent acting on behalf of
8 such a national committee, and any entity that is di-
9 rectly or indirectly established, financed, maintained,
10 or controlled by such a national committee.

11 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), an amount that is expended or disbursed
14 for Federal election activity by a State, district, or
15 local committee of a political party (including an en-
16 tity that is directly or indirectly established, fi-
17 nanced, maintained, or controlled by a State, dis-
18 trict, or local committee of a political party and an
19 officer or agent acting on behalf of such committee
20 or entity), or by an association or similar group of
21 candidates for State or local office or individuals
22 holding State or local office, shall be made from
23 funds subject to the limitations, prohibitions, and re-
24 porting requirements of this Act.

25 “(2) APPLICABILITY.—

1 “(A) IN GENERAL.—Notwithstanding
2 clause (i) or (ii) of section 301(20)(A), and sub-
3 ject to subparagraph (B), paragraph (1) shall
4 not apply to any amount expended or disbursed
5 by a State, district, or local committee of a po-
6 litical party in existence as of the date of the
7 enactment of the Bipartisan Campaign Reform
8 Act of 2001 for an activity described in either
9 such clause to the extent the amounts expended
10 or disbursed for such activity are allocated
11 under regulations prescribed by the Commission
12 which require not less than 50 percent of the
13 amounts expended or disbursed be paid from a
14 Federal allocation account consisting solely of
15 contributions subject to the limitations, prohibi-
16 tions, and reporting requirements of this Act
17 (not including funds specifically authorized to
18 be spent under subparagraph (B)(iii)).

19 “(B) CONDITIONS.—Subparagraph (A)
20 shall only apply if—

21 “(i) the activity does not refer to a
22 clearly identified candidate for Federal of-
23 fice;

24 “(ii) the amounts expended or dis-
25 bursed are not for the costs of any broad-

1 casting, cable, or satellite communication,
2 other than a communication which refers
3 solely to a clearly identified candidate for
4 State or local office;

5 “(iii) the amounts expended or dis-
6 bursed which are not from a Federal allo-
7 cation account described in subparagraph
8 (A) are paid from amounts which are do-
9 nated in accordance with State law and
10 which meet the requirements of subpara-
11 graph (C), except that no person (includ-
12 ing any person established, financed, main-
13 tained, or controlled by such person) may
14 donate more than \$10,000 to a State, dis-
15 trict, or local committee of a political party
16 in a calendar year for such expenditures or
17 disbursements; and

18 “(iv) the amounts expended or dis-
19 bursed are made solely from funds raised
20 by the State, local, or district committee
21 which makes such expenditure or disburse-
22 ment, and do not include any funds pro-
23 vided to such committee from—

24 “(I) any other State, local, or
25 district committee of any State party,

1 “(II) the national committee of a
2 political party (including a national
3 congressional campaign committee of
4 a political party),

5 “(III) any officer or agent acting
6 on behalf of any committee described
7 in subclause (I) or (II), or

8 “(IV) any entity directly or indi-
9 rectly established, financed, main-
10 tained, or controlled by any committee
11 described in subclause (I) or (II).

12 “(C) PROHIBITING INVOLVEMENT OF NA-
13 TIONAL PARTIES, FEDERAL CANDIDATES AND
14 OFFICEHOLDERS, AND STATE PARTIES ACTING
15 JOINTLY.—Notwithstanding subsection (e)
16 (other than subsection (e)(3)), amounts specifi-
17 cally authorized to be spent under subpara-
18 graph (B)(iii) meet the requirements of this
19 subparagraph only if the amounts—

20 “(i) are not solicited, received, di-
21 rected, transferred, or spent by or in the
22 name of any person described in subsection
23 (a) or (e); and

24 “(ii) are not solicited, received, or di-
25 rected through fundraising activities con-

1 ducted jointly by 2 or more State, local, or
2 district committees of any political party or
3 their agents, or by a State, local, or dis-
4 trict committee of a political party on be-
5 half of the State, local, or district com-
6 mittee of a political party or its agent in
7 one or more other States.

8 “(c) FUNDRAISING COSTS.—An amount spent by a
9 person described in subsection (a) or (b) to raise funds
10 that are used, in whole or in part, for expenditures and
11 disbursements for a Federal election activity shall be made
12 from funds subject to the limitations, prohibitions, and re-
13 porting requirements of this Act.

14 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
15 State, district, or local committee of a political party (in-
16 cluding a national congressional campaign committee of
17 a political party), an entity that is directly or indirectly
18 established, financed, maintained, or controlled by any
19 such national, State, district, or local committee or its
20 agent, and an officer or agent acting on behalf of any such
21 party committee or entity, shall not solicit any funds for,
22 or make or direct any donations to—

23 “(1) an organization that is described in section
24 501(c) of the Internal Revenue Code of 1986 and
25 exempt from taxation under section 501(a) of such

1 Code (or has submitted an application for deter-
2 mination of tax exempt status under such section)
3 and that makes expenditures or disbursements in
4 connection with an election for Federal office (in-
5 cluding expenditures or disbursements for Federal
6 election activity); or

7 “(2) an organization described in section 527 of
8 such Code (other than a political committee, a State,
9 district, or local committee of a political party, or
10 the authorized campaign committee of a candidate
11 for State or local office).

12 “(e) FEDERAL CANDIDATES.—

13 “(1) IN GENERAL.—A candidate, individual
14 holding Federal office, agent of a candidate or an in-
15 dividual holding Federal office, or an entity directly
16 or indirectly established, financed, maintained or
17 controlled by or acting on behalf of 1 or more can-
18 didates or individuals holding Federal office, shall
19 not—

20 “(A) solicit, receive, direct, transfer, or
21 spend funds in connection with an election for
22 Federal office, including funds for any Federal
23 election activity, unless the funds are subject to
24 the limitations, prohibitions, and reporting re-
25 quirements of this Act; or

1 “(B) solicit, receive, direct, transfer, or
2 spend funds in connection with any election
3 other than an election for Federal office or dis-
4 burse funds in connection with such an election
5 unless the funds—

6 “(i) are not in excess of the amounts
7 permitted with respect to contributions to
8 candidates and political committees under
9 paragraphs (1), (2), and (3) of section
10 315(a); and

11 “(ii) are not from sources prohibited
12 by this Act from making contributions in
13 connection with an election for Federal of-
14 fice.

15 “(2) STATE LAW.—Paragraph (1) does not
16 apply to the solicitation, receipt, or spending of
17 funds by an individual described in such paragraph
18 who is also a candidate for a State or local office
19 solely in connection with such election for State or
20 local office if the solicitation, receipt, or spending of
21 funds is permitted under State law and refers only
22 to such State or local candidate, or to any other can-
23 didate for the State or local office sought by such
24 candidate, or both.

1 “(3) FUNDRAISING EVENTS.—Notwithstanding
2 paragraph (1) or subsection (b)(2)(C), a candidate
3 or an individual holding Federal office may attend,
4 speak, or be a featured guest at a fundraising event
5 for a State, district, or local committee of a political
6 party.

7 “(4) LIMITATION APPLICABLE FOR PURPOSES
8 OF SOLICITATION OF DONATIONS BY INDIVIDUALS
9 TO CERTAIN ORGANIZATIONS.—In the case of the so-
10 licitation of funds by any person described in para-
11 graph (1) on behalf of any entity described in sub-
12 section (d) which is made specifically for funds to be
13 used for activities described in clauses (i) and (ii) of
14 section 301(20)(A), or made for any such entity
15 which engages primarily in activities described in
16 such clauses, the limitation applicable for purposes
17 of a donation of funds by an individual shall be the
18 limitation set forth in section 315(a)(1)(D).

19 “(5) TREATMENT OF AMOUNTS USED TO IN-
20 FLUENCE OR CHALLENGE STATE REAPPORTION-
21 MENT.—Nothing in this subsection shall prevent or
22 limit an individual described in paragraph (1) from
23 soliciting or spending funds to be used exclusively
24 for the purpose of influencing the reapportionment
25 decisions of a State or the financing of litigation

1 which relates exclusively to the reapportionment de-
2 cisions made by a State.

3 “(f) STATE CANDIDATES.—

4 “(1) IN GENERAL.—A candidate for State or
5 local office, individual holding State or local office,
6 or an agent of such a candidate or individual may
7 not spend any funds for a communication described
8 in section 301(20)(A)(iii) unless the funds are sub-
9 ject to the limitations, prohibitions, and reporting
10 requirements of this Act.

11 “(2) EXCEPTION FOR CERTAIN COMMUNICA-
12 TIONS.—Paragraph (1) shall not apply to an indi-
13 vidual described in such paragraph if the commu-
14 nication involved is in connection with an election for
15 such State or local office and refers only to such in-
16 dividual or to any other candidate for the State or
17 local office held or sought by such individual, or
18 both.”.

19 (b) DEFINITIONS.—Section 301 of the Federal Elec-
20 tion Campaign Act of 1971 (2 U.S.C. 431) is amended
21 by adding at the end thereof the following:

22 “(20) FEDERAL ELECTION ACTIVITY.—

23 “(A) IN GENERAL.—The term ‘Federal
24 election activity’ means—

1 “(i) voter registration activity during
2 the period that begins on the date that is
3 120 days before the date a regularly sched-
4 uled Federal election is held and ends on
5 the date of the election;

6 “(ii) voter identification, get-out-the-
7 vote activity, or generic campaign activity
8 conducted in connection with an election in
9 which a candidate for Federal office ap-
10 pears on the ballot (regardless of whether
11 a candidate for State or local office also
12 appears on the ballot);

13 “(iii) a public communication that re-
14 fers to a clearly identified candidate for
15 Federal office (regardless of whether a
16 candidate for State or local office is also
17 mentioned or identified) and that promotes
18 or supports a candidate for that office, or
19 attacks or opposes a candidate for that of-
20 fice (regardless of whether the communica-
21 tion expressly advocates a vote for or
22 against a candidate); or

23 “(iv) services provided during any
24 month by an employee of a State, district,
25 or local committee of a political party who

1 spends more than 25 percent of that indi-
2 vidual's compensated time during that
3 month on activities in connection with a
4 Federal election.

5 “(B) EXCLUDED ACTIVITY.—The term
6 ‘Federal election activity’ does not include an
7 amount expended or disbursed by a State, dis-
8 trict, or local committee of a political party
9 for—

10 “(i) a public communication that re-
11 fers solely to a clearly identified candidate
12 for State or local office, if the communica-
13 tion is not a Federal election activity de-
14 scribed in subparagraph (A)(i) or (ii);

15 “(ii) a contribution to a candidate for
16 State or local office, provided the contribu-
17 tion is not designated or used to pay for a
18 Federal election activity described in sub-
19 paragraph (A);

20 “(iii) the costs of a State, district, or
21 local political convention;

22 “(iv) the costs of grassroots campaign
23 materials, including buttons, bumper stick-
24 ers, and yard signs, that name or depict

1 only a candidate for State or local office;
2 and

3 “(v) the cost of constructing or pur-
4 chasing an office facility or equipment for
5 a State, district, or local committee.

6 “(21) GENERIC CAMPAIGN ACTIVITY.—The
7 term ‘generic campaign activity’ means a campaign
8 activity that promotes a political party and does not
9 promote a candidate or non-Federal candidate.

10 “(22) PUBLIC COMMUNICATION.—The term
11 ‘public communication’ means a communication by
12 means of any broadcast, cable, or satellite commu-
13 nication, newspaper, magazine, outdoor advertising
14 facility, mass mailing, or telephone bank to the gen-
15 eral public, or any other form of general public polit-
16 ical advertising.

17 “(23) MASS MAILING.—The term ‘mass mail-
18 ing’ means a mailing by United States mail or fac-
19 simile of more than 500 pieces of mail matter of an
20 identical or substantially similar nature within any
21 30-day period.

22 “(24) TELEPHONE BANK.—The term ‘telephone
23 bank’ means more than 500 telephone calls of an
24 identical or substantially similar nature within any
25 30-day period.”.

1 **SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE**
 2 **COMMITTEES OF POLITICAL PARTIES AND**
 3 **AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.**
 4

5 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES
 6 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-
 7 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))
 8 is amended—

9 (1) in subparagraph (B), by striking “or” at
 10 the end;

11 (2) in subparagraph (C)—

12 (A) by inserting “(other than a committee
 13 described in subparagraph (D))” after “com-
 14 mittee”; and

15 (B) by striking the period at the end and
 16 inserting “; or”; and

17 (3) by adding at the end the following:

18 “(D) to a political committee established and
 19 maintained by a State committee of a political party
 20 in any calendar year which, in the aggregate, exceed
 21 \$10,000.”.

22 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Cam-
 23 paign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by
 24 striking “\$25,000” and inserting “\$30,000”.
 25

1 **SEC. 103. REPORTING REQUIREMENTS.**

2 (a) REPORTING REQUIREMENTS.—Section 304 of the
3 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
4 is amended by adding at the end the following:

5 “(e) POLITICAL COMMITTEES.—

6 “(1) NATIONAL AND CONGRESSIONAL POLIT-
7 ICAL COMMITTEES.—The national committee of a
8 political party, any national congressional campaign
9 committee of a political party, and any subordinate
10 committee of either, shall report all receipts and dis-
11 bursements during the reporting period.

12 “(2) OTHER POLITICAL COMMITTEES TO WHICH
13 SECTION 323 APPLIES.—

14 “(A) IN GENERAL.—In addition to any
15 other reporting requirements applicable under
16 this Act, a political committee (not described in
17 paragraph (1)) to which section 323(b)(1) ap-
18 plies shall report all receipts and disbursements
19 made for activities described in section
20 301(20)(A).

21 “(B) SPECIFIC DISCLOSURE BY STATE AND
22 LOCAL PARTIES OF CERTAIN NONFEDERAL
23 AMOUNTS PERMITTED TO BE SPENT ON FED-
24 ERAL ELECTION ACTIVITY.—Each report by a
25 political committee under subparagraph (A) of
26 receipts and disbursements made for activities

1 described in section 301(20)(A) shall include a
2 disclosure of all receipts and disbursements
3 made section 323(b)(2)(A) and (B).

4 “(3) ITEMIZATION.—If a political committee
5 has receipts or disbursements to which this sub-
6 section applies from or to any person aggregating in
7 excess of \$200 for any calendar year, the political
8 committee shall separately itemize its reporting for
9 such person in the same manner as required in para-
10 graphs (3)(A), (5), and (6) of subsection (b).

11 “(4) REPORTING PERIODS.—Reports required
12 to be filed under this subsection shall be filed for the
13 same time periods required for political committees
14 under subsection (a)(4)(B).”.

15 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
16 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-
17 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))
18 is amended—

19 (1) by striking clause (viii); and

20 (2) by redesignating clauses (ix) through (xv)
21 as clauses (viii) through (xiv), respectively.

1 **TITLE II—NONCANDIDATE**
2 **CAMPAIGN EXPENDITURES**
3 **Subtitle A—Electioneering**
4 **Communications**

5 **SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICA-**
6 **TIONS.**

7 (a) IN GENERAL.—Section 304 of the Federal Elec-
8 tion Campaign Act of 1971 (2 U.S.C. 434), as amended
9 by section 103, is amended by adding at the end the fol-
10 lowing new subsection:

11 “(f) DISCLOSURE OF ELECTIONEERING COMMUNICA-
12 TIONS.—

13 “(1) STATEMENT REQUIRED.—Every person
14 who makes a disbursement for the direct costs of
15 producing and airing electioneering communications
16 in an aggregate amount in excess of \$10,000 during
17 any calendar year shall, within 24 hours of each dis-
18 closure date, file with the Commission a statement
19 containing the information described in paragraph
20 (2).

21 “(2) CONTENTS OF STATEMENT.—Each state-
22 ment required to be filed under this subsection shall
23 be made under penalty of perjury and shall contain
24 the following information:

1 “(A) The identification of the person mak-
2 ing the disbursement, of any person sharing or
3 exercising direction or control over the activities
4 of such person, and of the custodian of the
5 books and accounts of the person making the
6 disbursement.

7 “(B) The principal place of business of the
8 person making the disbursement, if not an indi-
9 vidual.

10 “(C) The amount of each disbursement of
11 more than \$200 during the period covered by
12 the statement and the identification of the per-
13 son to whom the disbursement was made.

14 “(D) The elections to which the election-
15 eering communications pertain and the names
16 (if known) of the candidates identified or to be
17 identified.

18 “(E) If the disbursements were paid out of
19 a segregated bank account which consists of
20 funds contributed solely by individuals who are
21 United States citizens or nationals or lawfully
22 admitted for permanent residence as defined in
23 section 1101(a)(2) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1101(a)(2)) directly to
25 this account for electioneering communications,

1 the names and addresses of all contributors who
2 contributed an aggregate amount of \$1,000 or
3 more to that account during the period begin-
4 ning on the first day of the preceding calendar
5 year and ending on the disclosure date. Nothing
6 in this subparagraph is to be construed as a
7 prohibition on the use of funds in such a seg-
8 regated account for a purpose other than elec-
9 tioneering communications.

10 “(F) If the disbursements were paid out of
11 funds not described in subparagraph (E), the
12 names and addresses of all contributors who
13 contributed an aggregate amount of \$1,000 or
14 more to the person making the disbursement
15 during the period beginning on the first day of
16 the preceding calendar year and ending on the
17 disclosure date.

18 “(3) ELECTIONEERING COMMUNICATION.—For
19 purposes of this subsection—

20 “(A) IN GENERAL.—(i) The term ‘election-
21 eering communication’ means any broadcast,
22 cable, or satellite communication which—

23 “(I) refers to a clearly identified can-
24 didate for Federal office;

25 “(II) is made within—

1 “(aa) 60 days before a general,
2 special, or runoff election for the of-
3 fice sought by the candidate; or

4 “(bb) 30 days before a primary
5 or preference election, or a convention
6 or caucus of a political party that has
7 authority to nominate a candidate, for
8 the office sought by the candidate;
9 and

10 “(III) in the case of a communication
11 which refers to a candidate for an office
12 other than President or Vice President, is
13 targeted to the relevant electorate.

14 “(ii) If clause (i) is held to be constitu-
15 tionally insufficient by final judicial decision to
16 support the regulation provided herein, then the
17 term ‘electioneering communication’ means any
18 broadcast, cable, or satellite communication
19 which promotes or supports a candidate for
20 that office, or attacks or opposes a candidate
21 for that office (regardless of whether the com-
22 munication expressly advocates a vote for or
23 against a candidate) and which also is sugges-
24 tive of no plausible meaning other than an ex-
25 hortation to vote for or against a specific can-

1 didate. Nothing in this subparagraph shall be
2 construed to affect the interpretation or appli-
3 cation of section 100.22(b) of title 11, Code of
4 Federal Regulations.

5 “(B) EXCEPTIONS.—The term ‘election-
6 eering communication’ does not include—

7 “(i) a communication appearing in a
8 news story, commentary, or editorial dis-
9 tributed through the facilities of any
10 broadcasting station, unless such facilities
11 are owned or controlled by any political
12 party, political committee, or candidate;

13 “(ii) a communication which con-
14 stitutes an expenditure or an independent
15 expenditure under this Act;

16 “(iii) a communication which con-
17 stitutes a candidate debate or forum con-
18 ducted pursuant to regulations adopted by
19 the Commission, or which solely promotes
20 such a debate or forum and is made by or
21 on behalf of the person sponsoring the de-
22 bate or forum; or

23 “(iv) any other communication ex-
24 empted under such regulations as the
25 Commission may promulgate (consistent

1 with the requirements of this paragraph)
2 to ensure the appropriate implementation
3 of this paragraph, except that under any
4 such regulation a communication may not
5 be exempted if it meets the requirements
6 of this paragraph and is described in sec-
7 tion 301(20)(A)(iii).

8 “(C) TARGETING TO RELEVANT ELEC-
9 TORATE.—For purposes of this paragraph, a
10 communication which refers to a clearly identi-
11 fied candidate for Federal office is ‘targeted to
12 the relevant electorate’ if the communication
13 can be received by 50,000 or more persons—

14 “(i) in the district the candidate seeks
15 to represent, in the case of a candidate for
16 Representative in, or Delegate or Resident
17 Commissioner to, the Congress; or

18 “(ii) in the State the candidate seeks
19 to represent, in the case of a candidate for
20 Senator.

21 “(4) DISCLOSURE DATE.—For purposes of this
22 subsection, the term ‘disclosure date’ means—

23 “(A) the first date during any calendar
24 year by which a person has made disbursements
25 for the direct costs of producing or airing elec-

1 tioneering communications aggregating in ex-
2 cess of \$10,000; and

3 “(B) any other date during such calendar
4 year by which a person has made disbursements
5 for the direct costs of producing or airing elec-
6 tioneering communications aggregating in ex-
7 cess of \$10,000 since the most recent disclosure
8 date for such calendar year.

9 “(5) CONTRACTS TO DISBURSE.—For purposes
10 of this subsection, a person shall be treated as hav-
11 ing made a disbursement if the person has executed
12 a contract to make the disbursement.

13 “(6) COORDINATION WITH OTHER REQUIRE-
14 MENTS.—Any requirement to report under this sub-
15 section shall be in addition to any other reporting
16 requirement under this Act.

17 “(7) COORDINATION WITH INTERNAL REVENUE
18 CODE.—Nothing in this subsection may be construed
19 to establish, modify, or otherwise affect the defini-
20 tion of political activities or electioneering activities
21 (including the definition of participating in, inter-
22 vening in, or influencing or attempting to influence
23 a political campaign on behalf of or in opposition to
24 any candidate for public office) for purposes of the
25 Internal Revenue Code of 1986.”.

1 (b) RESPONSIBILITIES OF FEDERAL COMMUNICA-
 2 TIONS COMMISSION.—The Federal Communications Com-
 3 mission shall compile and maintain any information the
 4 Federal Election Commission may require to carry out
 5 section 304(f) of the Federal Election Campaign Act of
 6 1971 (as added by subsection (a)), and shall make such
 7 information available to the public on the Federal Commu-
 8 nication Commission’s website.

9 **SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBU-**
 10 **TIONS.**

11 Section 315(a)(7) of the Federal Election Campaign
 12 Act of 1971 (2 U.S.C. 441a(a)(7)) is amended—

13 (1) by redesignating subparagraph (C) as sub-
 14 paragraph (D); and

15 (2) by inserting after subparagraph (B) the fol-
 16 lowing:

17 “(C) if—

18 “(i) any person makes, or contracts to
 19 make, any disbursement for any election-
 20 eering communication (within the meaning
 21 of section 304(f)(3)); and

22 “(ii) such disbursement is coordinated
 23 with a candidate or an authorized com-
 24 mittee of such candidate, a Federal, State,
 25 or local political party or committee there-

1 of, or an agent or official of any such can-
 2 didate, party, or committee;
 3 such disbursement or contracting shall be treat-
 4 ed as a contribution to the candidate supported
 5 by the electioneering communication or that
 6 candidate's party and as an expenditure by that
 7 candidate or that candidate's party; and".

8 **SEC. 203. PROHIBITION OF CORPORATE AND LABOR DIS-**
 9 **BURSEMENTS FOR ELECTIONEERING COM-**
 10 **MUNICATIONS.**

11 (a) IN GENERAL.—Section 316(b)(2) of the Federal
 12 Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is
 13 amended by inserting “or for any applicable electioneering
 14 communication” before “, but shall not include”.

15 (b) APPLICABLE ELECTIONEERING COMMUNICA-
 16 TION.—Section 316 of such Act is amended by adding at
 17 the end the following:

18 “(c) RULES RELATING TO ELECTIONEERING COM-
 19 MUNICATIONS.—

20 “(1) APPLICABLE ELECTIONEERING COMMU-
 21 NICATION.—For purposes of this section, the term
 22 ‘applicable electioneering communication’ means an
 23 electioneering communication (within the meaning of
 24 section 304(f)(3)) which is made by any entity de-
 25 scribed in subsection (a) of this section or by any

1 other person using funds donated by an entity de-
2 scribed in subsection (a) of this section.

3 “(2) EXCEPTION.—Notwithstanding paragraph
4 (1), the term ‘applicable electioneering communica-
5 tion’ does not include a communication by a section
6 501(c)(4) organization or a political organization (as
7 defined in section 527(e)(1) of such Code) made
8 under section 304(f)(2)(E) or (F) of this Act if the
9 communication is paid for exclusively by funds pro-
10 vided directly by individuals who are United States
11 citizens or nationals or lawfully admitted for perma-
12 nent residence as defined in section 1101(a)(2) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(2)). For purposes of the preceding sentence,
15 the term ‘provided directly by individuals’ does not
16 include funds the source of which is an entity de-
17 scribed in subsection (a) of this section.

18 “(3) SPECIAL OPERATING RULES.—

19 “(A) DEFINITION UNDER PARAGRAPH
20 (1).—An electioneering communication shall be
21 treated as made by an entity described in sub-
22 section (a) if an entity described in subsection
23 (a) directly or indirectly disburses any amount
24 for any of the costs of the communication.

1 “(B) EXCEPTION UNDER PARAGRAPH
2 (2).—A section 501(c)(4) organization that de-
3 rives amounts from business activities or re-
4 ceives funds from any entity described in sub-
5 section (a) shall be considered to have paid for
6 any communication out of such amounts unless
7 such organization paid for the communication
8 out of a segregated account to which only indi-
9 viduals can contribute, as described in section
10 304(f)(2)(E).

11 “(4) DEFINITIONS AND RULES.—For purposes
12 of this subsection—

13 “(A) the term ‘section 501(c)(4) organiza-
14 tion’ means—

15 “(i) an organization described in sec-
16 tion 501(c)(4) of the Internal Revenue
17 Code of 1986 and exempt from taxation
18 under section 501(a) of such Code; or

19 “(ii) an organization which has sub-
20 mitted an application to the Internal Rev-
21 enue Service for determination of its status
22 as an organization described in clause (i);
23 and

1 “(B) a person shall be treated as having
2 made a disbursement if the person has executed
3 a contract to make the disbursement.

4 “(5) COORDINATION WITH INTERNAL REVENUE
5 CODE.—Nothing in this subsection shall be con-
6 strued to authorize an organization exempt from
7 taxation under section 501(a) of the Internal Rev-
8 enue Code of 1986 to carry out any activity which
9 is prohibited under such Code.”.

10 **SEC. 204. RULES RELATING TO CERTAIN TARGETED ELEC-**
11 **TIONEERING COMMUNICATIONS.**

12 Section 316(c) of the Federal Election Campaign Act
13 of 1971 (2 U.S.C. 441b), as added by section 203, is
14 amended by adding at the end the following:

15 “(6) SPECIAL RULES FOR TARGETED COMMU-
16 NICATIONS.—

17 “(A) EXCEPTION DOES NOT APPLY.—
18 Paragraph (2) shall not apply in the case of a
19 targeted communication that is made by an or-
20 ganization described in such paragraph.

21 “(B) TARGETED COMMUNICATION.—For
22 purposes of subparagraph (A), the term ‘tar-
23 geted communication’ means an electioneering
24 communication (as defined in section 304(f)(3))
25 that is distributed from a television or radio

broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

“(C) DEFINITION.—For purposes of this paragraph, a communication is ‘targeted to the relevant electorate’ if it meets the requirements described in section 304(f)(3)(C).”.

Subtitle B—Independent and Coordinated Expenditures

SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

“(17) INDEPENDENT EXPENDITURE.—The term ‘independent expenditure’ means an expenditure by a person—

“(A) expressly advocating the election or defeat of a clearly identified candidate; and

“(B) that is not made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate’s

1 authorized political committee, or their agents,
 2 or a political party committee or its agents.”.

3 **SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDE-**
 4 **PENDENT EXPENDITURES.**

5 (a) IN GENERAL.—Section 304 of the Federal Elec-
 6 tion Campaign Act of 1971 (2 U.S.C. 434) (as amended
 7 by section 201) is amended—

8 (1) in subsection (c)(2), by striking the undes-
 9 ignated matter after subparagraph (C); and

10 (2) by adding at the end the following:

11 “(g) TIME FOR REPORTING CERTAIN EXPENDI-
 12 TURES.—

13 “(1) EXPENDITURES AGGREGATING \$1,000.—

14 “(A) INITIAL REPORT.—A person (includ-
 15 ing a political committee) that makes or con-
 16 tracts to make independent expenditures aggre-
 17 gating \$1,000 or more after the 20th day, but
 18 more than 24 hours, before the date of an elec-
 19 tion shall file a report describing the expendi-
 20 tures within 24 hours.

21 “(B) ADDITIONAL REPORTS.—After a per-
 22 son files a report under subparagraph (A), the
 23 person shall file an additional report within 24
 24 hours after each time the person makes or con-
 25 tracts to make independent expenditures aggre-

gating an additional \$1,000 with respect to the same election as that to which the initial report relates.

“(2) EXPENDITURES AGGREGATING \$10,000.—

“(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

“(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

“(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

“(A) shall be filed with the Commission;
and

“(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name

1 of each candidate whom an expenditure is in-
 2 tended to support or oppose.”.

3 (b) CONFORMING AMENDMENT.—Section 304(a)(5)
 4 of such Act (2 U.S.C. 434(a)(5)) is amended by striking
 5 “, or the second sentence of subsection (c)(2)”.

6 **SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDI-**
 7 **TURES BY PARTY.**

8 Section 315(d) of the Federal Election Campaign Act
 9 (2 U.S.C. 441a(d)) is amended—

10 (1) in paragraph (1), by striking “and (3)” and
 11 inserting “, (3), and (4)”; and

12 (2) by adding at the end the following:

13 “(4) INDEPENDENT VERSUS COORDINATED EX-
 14 PENDITURES BY PARTY.—

15 “(A) IN GENERAL.—On or after the date
 16 on which a political party nominates a can-
 17 didate, a committee of the political party shall
 18 not make both expenditures under this sub-
 19 section and independent expenditures (as de-
 20 fined in section 301(17)) with respect to the
 21 candidate during the election cycle.

22 “(B) CERTIFICATION.—Before making a
 23 coordinated expenditure under this subsection
 24 with respect to a candidate, a committee of a
 25 political party shall file with the Commission a

1 certification, signed by the treasurer of the
2 committee, that the committee, on or after the
3 date described in subparagraph (A), has not
4 and shall not make any independent expendi-
5 ture with respect to the candidate during the
6 same election cycle.

7 “(C) APPLICATION.—For purposes of this
8 paragraph, all political committees established
9 and maintained by a national political party
10 (including all congressional campaign commit-
11 tees) and all political committees established
12 and maintained by a State political party (in-
13 cluding any subordinate committee of a State
14 committee) shall be considered to be a single
15 political committee.

16 “(D) TRANSFERS.—A committee of a po-
17 litical party that submits a certification under
18 subparagraph (B) with respect to a candidate
19 shall not, during an election cycle, transfer any
20 funds to, assign authority to make coordinated
21 expenditures under this subsection to, or receive
22 a transfer of funds from, a committee of the po-
23 litical party that has made or intends to make
24 an independent expenditure with respect to the
25 candidate.”.

1 **SEC. 214. COORDINATION WITH CANDIDATES OR POLIT-**
2 **ICAL PARTIES.**

3 (a) IN GENERAL.—

4 (1) COORDINATED EXPENDITURE OR DIS-
5 BURSEMENT TREATED AS CONTRIBUTION.—Section
6 301(8) of the Federal Election Campaign Act of
7 1971 (2 U.S.C. 431(8)) is amended—

8 (A) by striking “or” at the end of subpara-
9 graph (A)(i);

10 (B) by striking “purpose.” in subpara-
11 graph (A)(ii) and inserting “purpose;”; and

12 (C) by adding at the end of subparagraph
13 (A) the following:

14 “(iii) any coordinated expenditure or
15 other disbursement made by any person in
16 connection with a candidate’s election, re-
17 gardless of whether the expenditure or dis-
18 bursement is for a communication that
19 contains express advocacy; or

20 “(iv) any coordinated expenditure or
21 other disbursement made in coordination
22 with a national committee, State com-
23 mittee, or other political committee of a
24 political party by a person (other than a
25 candidate or a candidate’s authorized com-
26 mittee) in connection with an election, re-

1 regardless of whether the expenditure or dis-
 2 bursement is for a communication that
 3 contains express advocacy.”.

4 (2) CONFORMING AMENDMENT.—Section
 5 315(a)(7) of the Federal Election Campaign Act of
 6 1971 (2 U.S.C. 441a(a)(7)) is amended by striking
 7 subparagraph (B) and inserting the following:

8 “(B) a coordinated expenditure or dis-
 9 bursement described in—

10 “(i) section 301(8)(A)(iii) shall be
 11 considered to be a contribution to the can-
 12 didate and an expenditure by the can-
 13 didate; and

14 “(ii) section 301(8)(A)(iv) shall be
 15 considered to be a contribution to, and an
 16 expenditure by, the political party com-
 17 mittee; and”.

18 (b) DEFINITION OF COORDINATION.—Section 301(8)
 19 of the Federal Election Campaign Act of 1971 (2 U.S.C.
 20 431(8)) is amended by adding at the end the following:

21 “(C) For purposes of subparagraph (A)(iii)
 22 and (iv), the term ‘coordinated expenditure or
 23 other disbursement’ means a payment made in
 24 concert or cooperation with, at the request or
 25 suggestion of, or pursuant to any general or

1 particular understanding with, such candidate,
2 the candidate's authorized political committee,
3 or their agents, or a political party committee
4 or its agents.”.

5 (c) REGULATIONS BY THE FEDERAL ELECTION COM-
6 MISSION.—(1) Within 90 days of the effective date of this
7 Act, the Federal Election Commission shall promulgate
8 new regulations to enforce the statutory standard set by
9 section 301(8)(C) of the Federal Election Campaign Act
10 of 1971 (as added by subsection (b)) and section
11 301(17)(B) of such Act (as amended by section 211). The
12 regulations shall not require collaboration or agreement to
13 establish coordination. In addition to any subject deter-
14 mined by the Commission, the regulations shall address—

15 (A) payments for the republication of campaign
16 materials;

17 (B) payments for the use of a common vendor;

18 (C) payments for communications directed or
19 made by persons who previously served as an em-
20 ployee of a candidate or a political party; and

21 (D) payments for communications made by a
22 person after substantial discussion about the com-
23 munication with a candidate or a political party.

24 (2) The regulations on coordination adopted by the
25 Federal Election Commission and published in the Federal

1 Register at page 76138 of volume 65, Federal Register,
 2 on December 6, 2000, are repealed as of 90 days after
 3 the effective date of this Act.

4 (d) MEANING OF CONTRIBUTION OR EXPENDITURE
 5 FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2)
 6 of the Federal Election Campaign Act of 1971 (2 U.S.C.
 7 441b(b)(2)) is amended by striking “shall include” and
 8 inserting “includes a contribution or expenditure, as those
 9 terms are defined in section 301, and also includes”.

10 **TITLE III—MISCELLANEOUS**

11 **SEC. 301. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN** 12 **PURPOSES.**

13 Title III of the Federal Election Campaign Act of
 14 1971 (2 U.S.C. 431 et seq.) is amended by striking section
 15 313 and inserting the following:

16 **“SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN** 17 **PURPOSES.**

18 “(a) PERMITTED USES.—A contribution accepted by
 19 a candidate, and any other donation received by an indi-
 20 vidual as support for activities of the individual as a holder
 21 of Federal office, may be used by the candidate or
 22 individual—

23 “(1) for otherwise authorized expenditures in
 24 connection with the campaign for Federal office of
 25 the candidate or individual;

1 “(2) for ordinary and necessary expenses in-
2 curred in connection with duties of the individual as
3 a holder of Federal office;

4 “(3) for contributions to an organization de-
5 scribed in section 170(c) of the Internal Revenue
6 Code of 1986; or

7 “(4) for transfers to a national, State, or local
8 committee of a political party.

9 “(b) PROHIBITED USE.—

10 “(1) IN GENERAL.—A contribution or donation
11 described in subsection (a) shall not be converted by
12 any person to personal use.

13 “(2) CONVERSION.—For the purposes of para-
14 graph (1), a contribution or donation shall be con-
15 sidered to be converted to personal use if the con-
16 tribution or amount is used to fulfill any commit-
17 ment, obligation, or expense of a person that would
18 exist irrespective of the candidate’s election cam-
19 paign or individual’s duties as a holder of Federal
20 office, including—

21 “(A) a home mortgage, rent, or utility pay-
22 ment;

23 “(B) a clothing purchase;

24 “(C) a noncampaign-related automobile ex-
25 pense;

1 “(D) a country club membership;

2 “(E) a vacation or other noncampaign-re-
3 lated trip;

4 “(F) a household food item;

5 “(G) a tuition payment;

6 “(H) admission to a sporting event, con-
7 cert, theater, or other form of entertainment
8 not associated with an election campaign; and

9 “(I) dues, fees, and other payments to a
10 health club or recreational facility.”.

11 **SEC. 302. PROHIBITION OF FUNDRAISING ON FEDERAL**
12 **PROPERTY.**

13 Section 607 of title 18, United States Code, is
14 amended—

15 (1) by striking subsection (a) and inserting the
16 following:

17 “(a) PROHIBITION.—

18 “(1) IN GENERAL.—It shall be unlawful for any
19 person to solicit or receive a donation of money or
20 other thing of value in connection with a Federal,
21 State, or local election from a person who is located
22 in a room or building occupied in the discharge of
23 official duties by an officer or employee of the
24 United States. It shall be unlawful for an individual
25 who is an officer or employee of the Federal Govern-

1 ment, including the President, Vice President, and
 2 Members of Congress, to solicit or receive a donation
 3 of money or other thing of value in connection with
 4 a Federal, State, or local election, while in any room
 5 or building occupied in the discharge of official du-
 6 ties by an officer or employee of the United States,
 7 from any person.

8 “(2) PENALTY.—A person who violates this sec-
 9 tion shall be fined not more than \$5,000, imprisoned
 10 more than 3 years, or both.”; and

11 (2) in subsection (b), by inserting “or Executive
 12 Office of the President” after “Congress” .

13 **SEC. 303. STRENGTHENING FOREIGN MONEY BAN.**

14 Section 319 of the Federal Election Campaign Act
 15 of 1971 (2 U.S.C. 441e) is amended—

16 (1) by striking the heading and inserting the
 17 following: “CONTRIBUTIONS AND DONATIONS BY
 18 FOREIGN NATIONALS”; and

19 (2) by striking subsection (a) and inserting the
 20 following:

21 “(a) PROHIBITION.—It shall be unlawful for—

22 “(1) a foreign national, directly or indirectly, to
 23 make—

24 “(A) a contribution or donation of money
 25 or other thing of value, or to make an express

or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

“(B) a contribution or donation to a committee of a political party; or

“(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

“(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.”.

**SEC. 304. MODIFICATION OF INDIVIDUAL CONTRIBUTION
LIMITS IN RESPONSE TO EXPENDITURES
FROM PERSONAL FUNDS.**

(a) INCREASED LIMITS FOR INDIVIDUALS.—

(1) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(A) in subsection (a)(1), by striking “No person” and inserting “Except as provided in subsection (i), no person”; and

(B) by adding at the end the following:

“(i) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

1 “(1) INCREASE.—

2 “(A) IN GENERAL.—Subject to paragraph
3 (2), if the opposition personal funds amount
4 with respect to a candidate for election to the
5 office of Senator exceeds the threshold amount,
6 the limit under subsection (a)(1)(A) (in this
7 subsection referred to as the ‘applicable limit’)
8 with respect to that candidate shall be the in-
9 creased limit.

10 “(B) THRESHOLD AMOUNT.—

11 “(i) STATE-BY-STATE COMPETITIVE
12 AND FAIR CAMPAIGN FORMULA.—In this
13 subsection, the threshold amount with re-
14 spect to an election cycle of a candidate de-
15 scribed in subparagraph (A) is an amount
16 equal to the sum of—

17 “(I) \$150,000; and

18 “(II) \$0.04 multiplied by the vot-
19 ing age population.

20 “(ii) VOTING AGE POPULATION.—In
21 this subparagraph, the term ‘voting age
22 population’ means in the case of a can-
23 didate for the office of Senator, the voting
24 age population of the State of the can-
25 didate (as certified under section 315(e)).

1 “(C) INCREASED LIMIT.—Except as pro-
2 vided in clause (ii), for purposes of subpara-
3 graph (A), if the opposition personal funds
4 amount is over—

5 “(i) 2 times the threshold amount, but
6 not over 4 times that amount—

7 “(I) the increased limit shall be 3
8 times the applicable limit; and

9 “(II) the limit under subsection
10 (a)(3) shall not apply with respect to
11 any contribution made with respect to
12 a candidate if such contribution is
13 made under the increased limit of
14 subparagraph (A) during a period in
15 which the candidate may accept such
16 a contribution;

17 “(ii) 4 times the threshold amount,
18 but not over 10 times that amount—

19 “(I) the increased limit shall be 6
20 times the applicable limit; and

21 “(II) the limit under subsection
22 (a)(3) shall not apply with respect to
23 any contribution made with respect to
24 a candidate if such contribution is
25 made under the increased limit of

1 subparagraph (A) during a period in
2 which the candidate may accept such
3 a contribution; and

4 “(iii) 10 times the threshold
5 amount—

6 “(I) the increased limit shall be 6
7 times the applicable limit;

8 “(II) the limit under subsection
9 (a)(3) shall not apply with respect to
10 any contribution made with respect to
11 a candidate if such contribution is
12 made under the increased limit of
13 subparagraph (A) during a period in
14 which the candidate may accept such
15 a contribution; and

16 “(III) the limits under subsection
17 (d) with respect to any expenditure by
18 a State or national committee of a po-
19 litical party shall not apply.

20 “(D) OPPOSITION PERSONAL FUNDS
21 AMOUNT.—The opposition personal funds
22 amount is an amount equal to the excess (if
23 any) of—

24 “(i) the greatest aggregate amount of
25 expenditures from personal funds (as de-

1 fined in section 304(a)(6)(B)) that an op-
2 posing candidate in the same election
3 makes; over

4 “(ii) the aggregate amount of expendi-
5 tures from personal funds made by the
6 candidate with respect to the election.

7 “(2) TIME TO ACCEPT CONTRIBUTIONS UNDER
8 INCREASED LIMIT.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), a candidate and the candidate’s au-
11 thorized committee shall not accept any con-
12 tribution, and a party committee shall not make
13 any expenditure, under the increased limit
14 under paragraph (1)—

15 “(i) until the candidate has received
16 notification of the opposition personal
17 funds amount under section 304(a)(6)(B);
18 and

19 “(ii) to the extent that such contribu-
20 tion, when added to the aggregate amount
21 of contributions previously accepted and
22 party expenditures previously made under
23 the increased limits under this subsection
24 for the election cycle, exceeds 110 percent
25 of the opposition personal funds amount.

1 “(B) EFFECT OF WITHDRAWAL OF AN OP-
 2 POSING CANDIDATE.—A candidate and a can-
 3 didate’s authorized committee shall not accept
 4 any contribution and a party shall not make
 5 any expenditure under the increased limit after
 6 the date on which an opposing candidate ceases
 7 to be a candidate to the extent that the amount
 8 of such increased limit is attributable to such
 9 an opposing candidate.

10 “(3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

11 “(A) IN GENERAL.—The aggregate
 12 amount of contributions accepted by a can-
 13 didate or a candidate’s authorized committee
 14 under the increased limit under paragraph (1)
 15 and not otherwise expended in connection with
 16 the election with respect to which such con-
 17 tributions relate shall, not later than 50 days
 18 after the date of such election, be used in the
 19 manner described in subparagraph (B).

20 “(B) RETURN TO CONTRIBUTORS.—A can-
 21 didate or a candidate’s authorized committee
 22 shall return the excess contribution to the per-
 23 son who made the contribution.

24 “(j) LIMITATION ON REPAYMENT OF PERSONAL
 25 LOANS.—Any candidate who incurs personal loans made

1 after the date of enactment of the Bipartisan Campaign
 2 Reform Act of 2001 in connection with the candidate’s
 3 campaign for election shall not repay (directly or indi-
 4 rectly), to the extent such loans exceed \$250,000, such
 5 loans from any contributions made to such candidate or
 6 any authorized committee of such candidate after the date
 7 of such election.”.

8 (b) NOTIFICATION OF EXPENDITURES FROM PER-
 9 SONAL FUNDS.—Section 304(a)(6) of the Federal Elec-
 10 tion Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is
 11 amended—

12 (1) by redesignating subparagraph (B) as sub-
 13 paragraph (E); and

14 (2) by inserting after subparagraph (A) the fol-
 15 lowing:

16 “(B) NOTIFICATION OF EXPENDITURE FROM PER-
 17 SONAL FUNDS.—

18 “(i) DEFINITION OF EXPENDITURE FROM PER-
 19 SONAL FUNDS.—In this subparagraph, the term ‘ex-
 20 penditure from personal funds’ means—

21 “(I) an expenditure made by a candidate
 22 using personal funds; and

23 “(II) a contribution or loan made by a can-
 24 didate using personal funds or a loan secured

1 using such funds to the candidate's authorized
2 committee.

3 “(ii) DECLARATION OF INTENT.—Not later
4 than the date that is 15 days after the date on
5 which an individual becomes a candidate for the of-
6 fice of Senator, the candidate shall file a declaration
7 stating the total amount of expenditures from per-
8 sonal funds that the candidate intends to make, or
9 to obligate to make, with respect to the election that
10 will exceed the State-by-State competitive and fair
11 campaign formula with—

12 “(I) the Commission; and

13 “(II) each candidate in the same election.

14 “(iii) INITIAL NOTIFICATION.—Not later than
15 24 hours after a candidate described in clause (ii)
16 makes or obligates to make an aggregate amount of
17 expenditures from personal funds in excess of 2
18 times the threshold amount in connection with any
19 election, the candidate shall file a notification with—

20 “(I) the Commission; and

21 “(II) each candidate in the same election.

22 “(iv) ADDITIONAL NOTIFICATION.—After a can-
23 didate files an initial notification under clause (iii),
24 the candidate shall file an additional notification
25 each time expenditures from personal funds are

1 made or obligated to be made in an aggregate
2 amount that exceed \$10,000 with—

3 “(I) the Commission; and

4 “(II) each candidate in the same election.

5 Such notification shall be filed not later than 24
6 hours after the expenditure is made.

7 “(v) CONTENTS.—A notification under clause
8 (iii) or (iv) shall include—

9 “(I) the name of the candidate and the of-
10 fice sought by the candidate;

11 “(II) the date and amount of each expendi-
12 ture; and

13 “(III) the total amount of expenditures
14 from personal funds that the candidate has
15 made, or obligated to make, with respect to an
16 election as of the date of the expenditure that
17 is the subject of the notification.

18 “(C) NOTIFICATION OF DISPOSAL OF EXCESS CON-
19 TRIBUTIONS.—In the next regularly scheduled report after
20 the date of the election for which a candidate seeks nomi-
21 nation for election to, or election to, Federal office, the
22 candidate or the candidate’s authorized committee shall
23 submit to the Commission a report indicating the source
24 and amount of any excess contributions (as determined
25 under paragraph (1) of section 315(i)) and the manner

1 in which the candidate or the candidate’s authorized com-
 2 mittee used such funds.

3 “(D) ENFORCEMENT.—For provisions providing for
 4 the enforcement of the reporting requirements under this
 5 paragraph, see section 309.”.

6 (c) DEFINITIONS.—Section 301 of the Federal Elec-
 7 tion Campaign Act of 1971 (2 U.S.C. 431), as amended
 8 by section 101(a), is further amended by adding at the
 9 end the following:

10 “(25) ELECTION CYCLE.—The term ‘election cycle’
 11 means the period beginning on the day after the date of
 12 the most recent election for the specific office or seat that
 13 a candidate is seeking and ending on the date of the next
 14 election for that office or seat. For purposes of the pre-
 15 ceding sentence, a primary election and a general election
 16 shall be considered to be separate elections.

17 “(26) PERSONAL FUNDS.—The term ‘personal funds’
 18 means an amount that is derived from—

19 “(A) any asset that, under applicable State law,
 20 at the time the individual became a candidate, the
 21 candidate had legal right of access to or control
 22 over, and with respect to which the candidate had—

23 “(i) legal and rightful title; or

24 “(ii) an equitable interest;

1 “(B) income received during the current elec-
2 tion cycle of the candidate, including—

3 “(i) a salary and other earned income from
4 bona fide employment;

5 “(ii) dividends and proceeds from the sale
6 of the candidate’s stocks or other investments;

7 “(iii) bequests to the candidate;

8 “(iv) income from trusts established before
9 the beginning of the election cycle;

10 “(v) income from trusts established by be-
11 quest after the beginning of the election cycle of
12 which the candidate is the beneficiary;

13 “(vi) gifts of a personal nature that had
14 been customarily received by the candidate
15 prior to the beginning of the election cycle; and

16 “(vii) proceeds from lotteries and similar
17 legal games of chance; and

18 “(C) a portion of assets that are jointly owned
19 by the candidate and the candidate’s spouse equal to
20 the candidate’s share of the asset under the instru-
21 ment of conveyance or ownership, but if no specific
22 share is indicated by an instrument of conveyance or
23 ownership, the value of $\frac{1}{2}$ of the property.”.

1 **SEC. 305. TELEVISION MEDIA RATES.**

2 (a) LOWEST UNIT CHARGE.—Subsection (b) of sec-
3 tion 315 of the Communications Act of 1934 (47 U.S.C.
4 315) is amended—

5 (1) by striking “(b) The charges” and inserting
6 the following:

7 “(b) CHARGES.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the charges”;

10 (2) by redesignating paragraphs (1) and (2) as
11 subparagraphs (A) and (B), respectively; and

12 (3) by adding at the end the following:

13 “(2) TELEVISION.—The charges made for the
14 use of any television broadcast station, or by a pro-
15 vider of cable or satellite television service, to any
16 person who is a legally qualified candidate for any
17 public office in connection with the campaign of such
18 candidate for nomination for election, or election, to
19 such office shall not exceed, during the periods re-
20 ferred to in paragraph (1)(A), the lowest charge of
21 the station (at any time during the 180-day period
22 preceding the date of the use) for the same amount
23 of time for the same period.”.

24 (b) RATE AVAILABLE FOR NATIONAL PARTIES.—
25 Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as
26 added by subsection (a)(3), is amended by inserting “, or

1 to a national committee of a political party making ex-
2 penditures under section 315(d) of the Federal Election
3 Campaign Act of 1971 on behalf of such candidate in con-
4 nection with such campaign,” after “such office”.

5 (c) PREEMPTION.—Section 315 of such Act (47
6 U.S.C. 315) is amended—

7 (1) by redesignating subsections (c) and (d) as
8 subsections (e) and (f), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) PREEMPTION.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), a licensee shall not preempt the use of a
14 television broadcast station, or a provider of cable or
15 satellite television service, by an eligible candidate or
16 political committee of a political party who has pur-
17 chased and paid for such use pursuant to subsection
18 (b)(2).

19 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
20 CENSEE.—If a program to be broadcast by a tele-
21 vision broadcast station, or a provider of cable or
22 satellite television service, is preempted because of
23 circumstances beyond the control of the station, any
24 candidate or party advertising spot scheduled to be

1 broadcast during that program may also be pre-
2 empted.”.

3 (d) RANDOM AUDITS.—Section 315 of such Act (47
4 U.S.C. 315), as amended by subsection (c), is amended
5 by inserting after subsection (c) the following new sub-
6 section:

7 “(d) RANDOM AUDITS.—

8 “(1) IN GENERAL.—During the 45-day period
9 preceding a primary election and the 60-day period
10 preceding a general election, the Commission shall
11 conduct random audits of designated market areas
12 to ensure that each television broadcast station, and
13 provider of cable or satellite television service, in
14 those markets is allocating television broadcast ad-
15 vertising time in accordance with this section and
16 section 312.

17 “(2) MARKETS.—The random audits conducted
18 under paragraph (1) shall cover the following mar-
19 kets:

20 “(A) At least 6 of the top 50 largest des-
21 ignated market areas (as defined in section
22 122(j)(2)(C) of title 17, United States Code).

23 “(B) At least 3 of the 51–100 largest des-
24 ignated market areas (as so defined).

1 “(C) At least 3 of the 101–150 largest
2 designated market areas (as so defined).

3 “(D) At least 3 of the 151–210 largest
4 designated market areas (as so defined).

5 “(3) BROADCAST STATIONS.—Each random
6 audit shall include each of the 3 largest television
7 broadcast networks, 1 independent network, and 1
8 cable network.”.

9 (e) DEFINITION OF BROADCASTING STATION.—Sub-
10 section (e) of section 315 of such Act (47 U.S.C. 315(e)),
11 as redesignated by subsection (c)(1) of this section, is
12 amended by inserting “, a television broadcast station, and
13 a provider of cable or satellite television service” before
14 the semicolon.

15 (f) STYLISTIC AMENDMENTS.—Section 315 of such
16 Act (47 U.S.C. 315) is amended—

17 (1) in subsection (a), by inserting “IN GEN-
18 ERAL.—” before “If any”;

19 (2) in subsection (e), as redesignated by sub-
20 section (c)(1) of this section, by inserting “DEFINI-
21 TIONS.—” before “For purposes”; and

22 (3) in subsection (f), as so redesignated, by in-
23 serting “REGULATIONS.—” before “The Commis-
24 sion”.

1 **SEC. 306. LIMITATION ON AVAILABILITY OF LOWEST UNIT**
2 **CHARGE FOR FEDERAL CANDIDATES AT-**
3 **TACKING OPPOSITION.**

4 (a) IN GENERAL.—Section 315(b) of the Commu-
5 nications Act of 1934 (47 U.S.C. 315(b)), as amended by
6 this Act, is amended by adding at the end the following:

7 “(3) CONTENT OF BROADCASTS.—

8 “(A) IN GENERAL.—In the case of a can-
9 didate for Federal office, such candidate shall
10 not be entitled to receive the rate under para-
11 graph (1)(A) or (2) for the use of any broad-
12 casting station unless the candidate provides
13 written certification to the broadcast station
14 that the candidate (and any authorized com-
15 mittee of the candidate) shall not make any di-
16 rect reference to another candidate for the same
17 office, in any broadcast using the rights and
18 conditions of access under this Act, unless such
19 reference meets the requirements of subpara-
20 graph (C) or (D).

21 “(B) LIMITATION ON CHARGES.—If a can-
22 didate for Federal office (or any authorized
23 committee of such candidate) makes a reference
24 described in subparagraph (A) in any broadcast
25 that does not meet the requirements of sub-
26 paragraph (C) or (D), such candidate shall not

1 be entitled to receive the rate under paragraph
2 (1)(A) or (2) for such broadcast or any other
3 broadcast during any portion of the 45-day and
4 60-day periods described in paragraph (1)(A),
5 that occur on or after the date of such broad-
6 cast, for election to such office.

7 “(C) TELEVISION BROADCASTS.—A can-
8 didate meets the requirements of this subpara-
9 graph if, in the case of a television broadcast,
10 at the end of such broadcast there appears si-
11 multaneously, for a period no less than 4
12 seconds—

13 “(i) a clearly identifiable photographic
14 or similar image of the candidate; and

15 “(ii) a clearly readable printed state-
16 ment, identifying the candidate and stating
17 that the candidate has approved the broad-
18 cast and that the candidate’s authorized
19 committee paid for the broadcast.

20 “(D) RADIO BROADCASTS.—A candidate
21 meets the requirements of this subparagraph if,
22 in the case of a radio broadcast, the broadcast
23 includes a personal audio statement by the can-
24 didate that identifies the candidate, the office

1 the candidate is seeking, and indicates that the
2 candidate has approved the broadcast.

3 “(E) CERTIFICATION.—Certifications
4 under this section shall be provided and cer-
5 tified as accurate by the candidate (or any au-
6 thorized committee of the candidate) at the
7 time of purchase.

8 “(F) DEFINITIONS.—For purposes of this
9 paragraph, the terms ‘authorized committee’
10 and ‘Federal office’ have the meanings given
11 such terms by section 301 of the Federal Elec-
12 tion Campaign Act of 1971 (2 U.S.C. 431).”.

13 (b) CONFORMING AMENDMENT.—Section
14 315(b)(1)(A) of the Communications Act of 1934 (47
15 U.S.C. 315(b)(1)(A)), as amended by this Act, is amended
16 by inserting “subject to paragraph (3),” before “during
17 the forty-five days”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to broadcasts made after the date
20 of enactment of this Act.

21 **SEC. 307. SOFTWARE FOR FILING REPORTS AND PROMPT**
22 **DISCLOSURE OF CONTRIBUTIONS.**

23 Section 304(a) of the Federal Election Campaign Act
24 of 1971 (2 U.S.C. 434(a)) is amended by adding at the
25 end the following:

1 “(12) SOFTWARE FOR FILING OF REPORTS.—

2 “(A) IN GENERAL.—The Commission
3 shall—

4 “(i) promulgate standards to be used
5 by vendors to develop software that—

6 “(I) permits candidates to easily
7 record information concerning receipts
8 and disbursements required to be re-
9 ported under this Act at the time of
10 the receipt or disbursement;

11 “(II) allows the information re-
12 corded under subclause (I) to be
13 transmitted immediately to the Com-
14 mission; and

15 “(III) allows the Commission to
16 post the information on the Internet
17 immediately upon receipt; and

18 “(ii) make a copy of software that
19 meets the standards promulgated under
20 clause (i) available to each person required
21 to file a designation, statement, or report
22 in electronic form under this Act.

23 “(B) ADDITIONAL INFORMATION.—To the
24 extent feasible, the Commission shall require
25 vendors to include in the software developed

1 under the standards under subparagraph (A)
2 the ability for any person to file any designa-
3 tion, statement, or report required under this
4 Act in electronic form.

5 “(C) REQUIRED USE.—Notwithstanding
6 any provision of this Act relating to times for
7 filing reports, each candidate for Federal office
8 (or that candidate’s authorized committee) shall
9 use software that meets the standards promul-
10 gated under this paragraph once such software
11 is made available to such candidate.

12 “(D) REQUIRED POSTING.—The Commis-
13 sion shall, as soon as practicable, post on the
14 Internet any information received under this
15 paragraph.”.

16 **SEC. 308. MODIFICATION OF CONTRIBUTION LIMITS.**

17 (a) INCREASE IN INDIVIDUAL LIMITS FOR CERTAIN
18 CONTRIBUTIONS.—Section 315(a)(1) of the Federal Elec-
19 tion Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is
20 amended—

21 (1) in subparagraph (A), by striking “\$1,000”
22 and inserting the following: “\$2,000 (or, in the case
23 of a candidate for Representative in or Delegate or
24 Resident Commissioner to the Congress, \$1,000)”;
25 and

1 (2) in subparagraph (B), by striking “\$20,000”
 2 and inserting “\$25,000”.

3 (b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—
 4 Section 315(a)(3) of the Federal Election Campaign Act
 5 of 1971 (2 U.S.C. 441a(a)(3)), as amended by section
 6 102(b), is amended by striking “\$30,000” and inserting
 7 “\$37,500”.

8 (c) INCREASE IN SENATORIAL CAMPAIGN COM-
 9 MITTEE LIMIT.—Section 315(h) of the Federal Election
 10 Campaign Act of 1971 (2 U.S.C. 441a(h)) is amended by
 11 striking “\$17,500” and inserting “\$35,000”.

12 (d) INDEXING OF CONTRIBUTION LIMITS.—Section
 13 315(c) of the Federal Election Campaign Act of 1971 (2
 14 U.S.C. 441a(c)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking the second and third sen-
 17 tences;

18 (B) by inserting “(A)” before “At the be-
 19 ginning”; and

20 (C) by adding at the end the following:

21 “(B) Except as provided in subparagraph (C), in any
 22 calendar year after 2002—

23 “(i) a limitation established by subsections
 24 (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be

1 increased by the percent difference determined under
2 subparagraph (A);

3 “(ii) each amount so increased shall remain in
4 effect for the calendar year; and

5 “(iii) if any amount after adjustment under
6 clause (i) is not a multiple of \$100, such amount
7 shall be rounded to the nearest multiple of \$100.

8 “(C) In the case of limitations under subsections
9 (a)(1)(A), (a)(1)(B), (a)(3), and (h), increases shall only
10 be made in odd-numbered years and such increases shall
11 remain in effect for the 2-year period beginning on the
12 first day following the date of the last general election in
13 the year preceding the year in which the amount is in-
14 creased and ending on the date of the next general elec-
15 tion.”; and

16 (2) in paragraph (2)(B), by striking “means the
17 calendar year 1974” and inserting “means—

18 “(i) for purposes of subsections (b) and
19 (d), calendar year 1974; and

20 “(ii) for purposes of subsections (a)(1)(A),
21 (a)(1)(B), (a)(3), and (h) calendar year 2001”.

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to contributions made after the
24 date of enactment of this Act.

1 **SEC. 309. DONATIONS TO PRESIDENTIAL INAUGURAL COM-**
2 **MITTEE.**

3 (a) IN GENERAL.—Chapter 5 of title 36, United
4 States Code, is amended by—

5 (1) redesignating section 510 as section 511;

6 and

7 (2) inserting after section 509 the following:

8 **“§ 510. Disclosure of and prohibition on certain dona-**
9 **tions.**

10 “(a) IN GENERAL.—A committee shall not be consid-
11 ered to be the Inaugural Committee for purposes of this
12 chapter unless the committee agrees to, and meets, the
13 requirements of subsections (b) and (c).

14 “(b) DISCLOSURE.—

15 “(1) IN GENERAL.—Not later than the date
16 that is 90 days after the date of the Presidential in-
17 augural ceremony, the committee shall file a report
18 with the Federal Election Commission disclosing any
19 donation of money or anything of value made to the
20 committee in an aggregate amount equal to or great-
21 er than \$200.

22 “(2) CONTENTS OF REPORT.—A report filed
23 under paragraph (1) shall contain—

24 “(A) the amount of the donation;

25 “(B) the date the donation is received; and

1 “(C) the name and address of the person
2 making the donation.

3 “(c) LIMITATION.—The committee shall not accept
4 any donation from a foreign national (as defined in section
5 319(b) of the Federal Election Campaign Act of 1971 (2
6 U.S.C. 441e(b))).”.

7 (b) REPORTS MADE AVAILABLE BY FEC.—Section
8 304 of the Federal Election Campaign Act of 1971 (2
9 U.S.C. 434), as amended by sections 103, 201, and 212
10 is amended by adding at the end the following:

11 “(h) REPORTS FROM INAUGURAL COMMITTEES.—
12 The Federal Election Commission shall make any report
13 filed by an Inaugural Committee under section 510 of title
14 36, United States Code, accessible to the public at the of-
15 fices of the Commission and on the Internet not later than
16 48 hours after the report is received by the Commission.”.

17 **SEC. 310. PROHIBITION ON FRAUDULENT SOLICITATION OF**
18 **FUNDS.**

19 Section 322 of the Federal Election Campaign Act
20 of 1971 (2 U.S.C. 441h) is amended—

21 (1) by inserting “(a) IN GENERAL.—” before

22 “‘No person’”; and

23 (2) by adding at the end the following:

24 “(b) FRAUDULENT SOLICITATION OF FUNDS.—No
25 person shall—

1 “(1) fraudulently misrepresent the person as
2 speaking, writing, or otherwise acting for or on be-
3 half of any candidate or political party or employee
4 or agent thereof for the purpose of soliciting con-
5 tributions or donations; or

6 “(2) willfully and knowingly participate in or
7 conspire to participate in any plan, scheme, or de-
8 sign to violate paragraph (1).”.

9 **SEC. 311. STUDY AND REPORT ON CLEAN MONEY CLEAN**
10 **ELECTIONS LAWS.**

11 (a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—
12 In this section, the term “clean money clean elections”
13 means funds received under State laws that provide in
14 whole or in part for the public financing of election cam-
15 paigns.

16 (b) STUDY.—

17 (1) IN GENERAL.—The Comptroller General
18 shall conduct a study of the clean money clean elec-
19 tions of Arizona and Maine.

20 (2) MATTERS STUDIED.—

21 (A) STATISTICS ON CLEAN MONEY CLEAN
22 ELECTIONS CANDIDATES.—The Comptroller
23 General shall determine—

1 (i) the number of candidates who have
2 chosen to run for public office with clean
3 money clean elections including—

4 (I) the office for which they were
5 candidates;

6 (II) whether the candidate was
7 an incumbent or a challenger; and

8 (III) whether the candidate was
9 successful in the candidate's bid for
10 public office; and

11 (ii) the number of races in which at
12 least one candidate ran an election with
13 clean money clean elections.

14 (B) EFFECTS OF CLEAN MONEY CLEAN
15 ELECTIONS.—The Comptroller General of the
16 United States shall describe the effects of pub-
17 lic financing under the clean money clean elec-
18 tions laws on the 2000 elections in Arizona and
19 Maine.

20 (c) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General of the
22 United States shall submit a report to the Congress detail-
23 ing the results of the study conducted under subsection
24 (b).

1 **SEC. 312. CLARITY STANDARDS FOR IDENTIFICATION OF**
2 **SPONSORS OF ELECTION-RELATED ADVER-**
3 **TISING.**

4 Section 318 of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 441d) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by striking “Whenever” and insert-
10 ing “Whenever a political committee makes
11 a disbursement for the purpose of financ-
12 ing any communication through any broad-
13 casting station, newspaper, magazine, out-
14 door advertising facility, mailing, or any
15 other type of general public political adver-
16 tising, or whenever”;

17 (ii) by striking “an expenditure” and
18 inserting “a disbursement”; and

19 (iii) by striking “direct”; and

20 (iv) by inserting “or makes a dis-
21bursement for an electioneering commu-
22nication (as defined in section 304(f)(3))”
23 after “public political advertising”; and

24 (B) in paragraph (3), by inserting “and
25 permanent street address, telephone number, or
26 World Wide Web address” after “name”; and

1 (2) by adding at the end the following:

2 “(c) SPECIFICATION.—Any printed communication
3 described in subsection (a) shall—

4 “(1) be of sufficient type size to be clearly read-
5 able by the recipient of the communication;

6 “(2) be contained in a printed box set apart
7 from the other contents of the communication; and

8 “(3) be printed with a reasonable degree of
9 color contrast between the background and the
10 printed statement.

11 “(d) ADDITIONAL REQUIREMENTS.—

12 “(1) AUDIO STATEMENT.—

13 “(A) CANDIDATE.—Any communication
14 described in paragraphs (1) or (2) of subsection
15 (a) which is transmitted through radio or tele-
16 vision shall include, in addition to the require-
17 ments of that paragraph, an audio statement by
18 the candidate that identifies the candidate and
19 states that the candidate has approved the com-
20 munication.

21 “(B) OTHER PERSONS.—Any communica-
22 tion described in paragraph (3) of subsection
23 (a) which is transmitted through radio or tele-
24 vision shall include, in addition to the require-
25 ments of that paragraph, in a clearly spoken

1 manner, the following statement: ‘ _____
2 is responsible for the content of this adver-
3 tising.’ (with the blank to be filled in with the
4 name of the political committee or other person
5 paying for the communication and the name of
6 any connected organization of the payor). If
7 transmitted through television, the statement
8 shall also appear in a clearly readable manner
9 with a reasonable degree of color contrast be-
10 tween the background and the printed state-
11 ment, for a period of at least 4 seconds.

12 “(2) TELEVISION.—If a communication de-
13 scribed in paragraph (1)(A) is transmitted through
14 television, the communication shall include, in addi-
15 tion to the audio statement under paragraph (1), a
16 written statement that—

17 “(A) appears at the end of the communica-
18 tion in a clearly readable manner with a reason-
19 able degree of color contrast between the back-
20 ground and the printed statement, for a period
21 of at least 4 seconds; and

22 “(B) is accompanied by a clearly identifi-
23 able photographic or similar image of the can-
24 didate.”.

1 **SEC. 313. INCREASE IN PENALTIES.**

2 (a) IN GENERAL.—Subparagraph (A) of section
3 309(d)(1) of the Federal Election Campaign Act of 1971
4 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

5 “(A) Any person who knowingly and willfully com-
6 mits a violation of any provision of this Act which involves
7 the making, receiving, or reporting of any contribution,
8 donation, or expenditure—

9 “(i) aggregating \$25,000 or more during a cal-
10 endar year shall be fined under title 18, United
11 States Code, or imprisoned for not more than 5
12 years, or both; or

13 “(ii) aggregating \$2,000 or more (but less than
14 \$25,000) during a calendar year shall be fined under
15 such title, or imprisoned for not more than one year,
16 or both.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to violations occurring on or after
19 the date of enactment of this Act.

20 **SEC. 314. STATUTE OF LIMITATIONS.**

21 (a) IN GENERAL.—Section 406(a) of the Federal
22 Election Campaign Act of 1971 (2 U.S.C. 455(a)) is
23 amended by striking “3” and inserting “5”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall apply to violations occurring on or after
26 the date of enactment of this Act.

1 **SEC. 315. SENTENCING GUIDELINES.**

2 (a) IN GENERAL.—The United States Sentencing
3 Commission shall—

4 (1) promulgate a guideline, or amend an exist-
5 ing guideline under section 994 of title 28, United
6 States Code, in accordance with paragraph (2), for
7 penalties for violations of the Federal Election Cam-
8 paign Act of 1971 and related election laws; and

9 (2) submit to Congress an explanation of any
10 guidelines promulgated under paragraph (1) and any
11 legislative or administrative recommendations re-
12 garding enforcement of the Federal Election Cam-
13 paign Act of 1971 and related election laws.

14 (b) CONSIDERATIONS.—The Commission shall pro-
15 vide guidelines under subsection (a) taking into account
16 the following considerations:

17 (1) Ensure that the sentencing guidelines and
18 policy statements reflect the serious nature of such
19 violations and the need for aggressive and appro-
20 priate law enforcement action to prevent such viola-
21 tions.

22 (2) Provide a sentencing enhancement for any
23 person convicted of such violation if such violation
24 involves—

25 (A) a contribution, donation, or expendi-
26 ture from a foreign source;

1 (B) a large number of illegal transactions;

2 (C) a large aggregate amount of illegal
3 contributions, donations, or expenditures;

4 (D) the receipt or disbursement of govern-
5 mental funds; and

6 (E) an intent to achieve a benefit from the
7 Federal Government.

8 (3) Provide a sentencing enhancement for any
9 violation by a person who is a candidate or a high-
10 ranking campaign official for such candidate.

11 (4) Assure reasonable consistency with other
12 relevant directives and guidelines of the Commission.

13 (5) Account for aggravating or mitigating cir-
14 cumstances that might justify exceptions, including
15 circumstances for which the sentencing guidelines
16 currently provide sentencing enhancements.

17 (6) Assure the guidelines adequately meet the
18 purposes of sentencing under section 3553(a)(2) of
19 title 18, United States Code.

20 (c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO
21 PROMULGATE GUIDELINES.—

22 (1) EFFECTIVE DATE.—Notwithstanding sec-
23 tion 402, the United States Sentencing Commission
24 shall promulgate guidelines under this section not
25 later than the later of—

1 (A) 90 days after the date of enactment of
2 this Act; or

3 (B) 90 days after the date on which at
4 least a majority of the members of the Commis-
5 sion are appointed and holding office.

6 (2) EMERGENCY AUTHORITY TO PROMULGATE
7 GUIDELINES.—The Commission shall promulgate
8 guidelines under this section in accordance with the
9 procedures set forth in section 21(a) of the Sen-
10 tencing Reform Act of 1987, as though the authority
11 under such Act has not expired.

12 **SEC. 316. INCREASE IN PENALTIES IMPOSED FOR VIOLA-**
13 **TIONS OF CONDUIT CONTRIBUTION BAN.**

14 (a) INCREASE IN CIVIL MONEY PENALTY FOR KNOW-
15 ING AND WILLFUL VIOLATIONS.—Section 309(a) of the
16 Federal Election Campaign Act of 1971 (2 U.S.C.
17 437g(a)) is amended—

18 (1) in paragraph (5)(B), by inserting before the
19 period at the end the following: “(or, in the case of
20 a violation of section 320, which is not less than 300
21 percent of the amount involved in the violation and
22 is not more than the greater of \$50,000 or 1000
23 percent of the amount involved in the violation)”;
24 and

1 (2) in paragraph (6)(C), by inserting before the
2 period at the end the following: “(or, in the case of
3 a violation of section 320, which is not less than 300
4 percent of the amount involved in the violation and
5 is not more than the greater of \$50,000 or 1000
6 percent of the amount involved in the violation)”.

7 (b) INCREASE IN CRIMINAL PENALTY.—Section
8 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended
9 by adding at the end the following new subparagraph:

10 “(D) Any person who knowingly and willfully com-
11 mits a violation of section 320 involving an amount aggre-
12 gating more than \$10,000 during a calendar year shall
13 be—

14 “(i) imprisoned for not more than 2 years if the
15 amount is less than \$25,000 (and subject to impris-
16 onment under subparagraph (A) if the amount is
17 \$25,000 or more);

18 “(ii) fined not less than 300 percent of the
19 amount involved in the violation and not more than
20 the greater of—

21 “(I) \$50,000; or

22 “(II) 1,000 percent of the amount involved
23 in the violation; or

24 “(iii) both imprisoned under clause (i) and
25 fined under clause (ii).”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply with respect to violations occurring
 3 on or after the date of enactment of this Act.

4 **SEC. 317. RESTRICTION ON INCREASED CONTRIBUTION**
 5 **LIMITS BY TAKING INTO ACCOUNT CAN-**
 6 **DIDATE’S AVAILABLE FUNDS.**

7 Section 315(i)(1) of the Federal Election Campaign
 8 Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act,
 9 is amended by adding at the end the following:

10 “(E) SPECIAL RULE FOR CANDIDATE’S
 11 CAMPAIGN FUNDS.—

12 “(i) IN GENERAL.—For purposes of
 13 determining the aggregate amount of ex-
 14 penditures from personal funds under sub-
 15 paragraph (D)(ii), such amount shall in-
 16 clude the gross receipts advantage of the
 17 candidate’s authorized committee.

18 “(ii) GROSS RECEIPTS ADVANTAGE.—
 19 For purposes of clause (i), the term ‘gross
 20 receipts advantage’ means the excess, if
 21 any, of—

22 “(I) the aggregate amount of 50
 23 percent of gross receipts of a can-
 24 didate’s authorized committee during
 25 any election cycle (not including con-

1 tributions from personal funds of the
 2 candidate) that may be expended in
 3 connection with the election, as deter-
 4 mined on June 30 and December 31
 5 of the year preceding the year in
 6 which a general election is held, over
 7 “(II) the aggregate amount of 50
 8 percent of gross receipts of the oppos-
 9 ing candidate’s authorized committee
 10 during any election cycle (not includ-
 11 ing contributions from personal funds
 12 of the candidate) that may be ex-
 13 pended in connection with the elec-
 14 tion, as determined on June 30 and
 15 December 31 of the year preceding
 16 the year in which a general election is
 17 held.

18 **SEC. 318. CLARIFICATION OF RIGHT OF NATIONALS OF THE**
 19 **UNITED STATES TO MAKE POLITICAL CON-**
 20 **TRIBUTIONS.**

21 Section 319(d)(2) of the Federal Election Campaign
 22 Act of 1971 (2 U.S.C. 441e(d)(2)) is amended by inserting
 23 after “United States” the following: “or a national of the
 24 United States (as defined in section 101(a)(22) of the Im-
 25 migration and Nationality Act)”.

1 **SEC. 319. PROHIBITION OF CONTRIBUTIONS BY MINORS.**

2 Title III of the Federal Election Campaign Act of
3 1971 (2 U.S.C. 431 et seq.), as amended by section 101,
4 is further amended by adding at the end the following new
5 section:

6 “PROHIBITION OF CONTRIBUTIONS BY MINORS

7 “SEC. 324. An individual who is 17 years old or
8 younger shall not make a contribution to a candidate or
9 a contribution or donation to a committee of a political
10 party.”.

11 **SEC. 320. DEFINITION OF CONTRIBUTIONS MADE THROUGH**
12 **INTERMEDIARY OR CONDUIT FOR PURPOSES**
13 **OF APPLYING CONTRIBUTION LIMITS.**

14 The first sentence of section 315(a)(8) of the Federal
15 Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is
16 amended by striking “including contributions which are
17 in any way earmarked or otherwise directed through an
18 intermediary or conduit to such candidate,” and inserting
19 the following: “including contributions which are in any
20 way earmarked or otherwise arranged or directed through
21 an intermediary or conduit to such candidate, or solicited
22 by such candidate to support the candidate’s election and
23 arranged or suggested by the candidate to be spent by or
24 through an intermediary to support or assist the can-
25 didate’s election,”.

1 **SEC. 321. PROHIBITING AUTHORIZED COMMITTEES FROM**
2 **FORMING JOINT FUNDRAISING COMMITTEES**
3 **WITH POLITICAL PARTY COMMITTEES.**

4 Section 302(e) of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 432(e)) is amended by adding at the
6 end the following new paragraph:

7 “(6) No authorized committee of a candidate for Fed-
8 eral office may form a joint fundraising committee with
9 any political committee of a political party.”.

10 **SEC. 322. REGULATIONS TO PROHIBIT EFFORTS TO EVADE**
11 **REQUIREMENTS.**

12 Title III of the Federal Election Campaign Act of
13 1971 (2 U.S.C. 431 et seq.), as amended by sections 101
14 and 319, is further amended by adding at the end the
15 following new section:

16 “REGULATIONS TO PROHIBIT EFFORTS TO EVADE
17 REQUIREMENTS

18 “SEC. 325. The Commission shall promulgate regula-
19 tions to prohibit efforts to evade or circumvent the limita-
20 tions, prohibitions, and reporting requirements of this
21 Act.”.

22 **TITLE IV—SEVERABILITY;**
23 **EFFECTIVE DATE**

24 **SEC. 401. SEVERABILITY.**

25 If any provision of this Act or amendment made by
26 this Act, or the application of a provision or amendment

1 to any person or circumstance, is held to be unconstitu-
2 tional, the remainder of this Act and amendments made
3 by this Act, and the application of the provisions and
4 amendment to any person or circumstance, shall not be
5 affected by the holding.

6 **SEC. 402. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this Act, this Act and the amendments made by this Act
9 shall take effect 30 days after the date of its enactment.

10 (b) TRANSITION RULE FOR SPENDING OF FUNDS BY
11 NATIONAL PARTIES.—If a national committee of a polit-
12 ical party described in section 323(a)(1) of the Federal
13 Election Campaign Act of 1971 (as added by section
14 101(a)), including any person who is subject to such sec-
15 tion, has received funds described in such section prior to
16 the effective date described in subsection (a), the following
17 rules shall apply with respect to the spending of such
18 funds by such committee:

19 (1) During the period which begins on such ef-
20 fective date and ends 90 days thereafter or Decem-
21 ber 31, 2001 (whichever occurs later), the committee
22 may spend such funds for any activity permitted for
23 the use of such funds prior to such effective date.

24 (2) During the period which begins on such ef-
25 fective date and ends March 31, 2001, the com-

1 mittee may transfer such funds without limit to any
2 committee of a State or local political party, any or-
3 ganization described in section 501(c) of the Inter-
4 nal Revenue Code of 1986 and exempt from taxation
5 under section 501(a) of such Code, or any organiza-
6 tion described in section 527 of such Code. Nothing
7 in this paragraph may be construed to permit any
8 committee or organization to which such funds are
9 transferred to use such funds in a manner incon-
10 sistent with any of the applicable provisions of this
11 Act or the amendments made by this Act.

12 (3) At any time after such effective date, the
13 committee may spend such funds for activities which
14 are solely to defray the costs of the construction or
15 purchase of any office building or facility.

16 **SEC. 403. JUDICIAL REVIEW.**

17 (a) SPECIAL RULES FOR CERTAIN ACTIONS
18 BROUGHT ON CONSTITUTIONAL GROUNDS.—If any per-
19 son who is aggrieved by any of the provisions of this Act
20 or any amendment made by this Act (or who would be
21 aggrieved by any such provision or amendment when the
22 provision or amendment becomes effective) brings an ac-
23 tion which names the United States as the defendant for
24 declaratory or injunctive relief to challenge the constitu-
25 tionality of the provision or amendment within the 90-day

1 period which begins on the date of the enactment of this
2 Act, the following rules shall apply:

3 (1) The action shall be filed in the United
4 States District Court for the District of Columbia
5 and shall be heard by a 3-judge court convened pur-
6 suant to section 2284 of title 28, United States
7 Code.

8 (2) A copy of the complaint shall be delivered
9 promptly to the Clerk of the House of Representa-
10 tives and the Secretary of the Senate.

11 (3) A final decision in the action shall be re-
12 viewable only by appeal directly to the United States
13 Supreme Court. Such appeal shall be taken by the
14 filing of a notice of appeal within 10 days, and the
15 filing of a jurisdictional statement within 30 days, of
16 the entry of the final decision.

17 (4) It shall be the duty of the United States
18 District Court for the District of Columbia and the
19 Supreme Court of the United States to advance on
20 the docket and to expedite to the greatest possible
21 extent the disposition of the action and appeal.

22 (b) INTERVENTION BY MEMBERS OF CONGRESS.—In
23 any action in which the constitutionality of any provision
24 of this Act or any amendment made by this Act is raised
25 (including but not limited to an action described in sub-

1 section (a)), any member of the House of Representatives
2 (including a Delegate or Resident Commissioner to the
3 Congress) or Senate shall have the right to intervene ei-
4 ther in support of or opposition to the position of a party
5 to the case regarding the constitutionality of the provision
6 or amendment. To avoid duplication of efforts and reduce
7 the burdens placed on the parties to the action, the court
8 in any such action may make such orders as it considers
9 necessary, including orders to require intervenors taking
10 similar positions to file joint papers or to be represented
11 by a single attorney at oral argument.

12 **TITLE V—ADDITIONAL** 13 **DISCLOSURE PROVISIONS**

14 **SEC. 501. INTERNET ACCESS TO RECORDS.**

15 Section 304(a)(11)(B) of the Federal Election Cam-
16 paign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended
17 to read as follows:

18 “(B) The Commission shall make a designation,
19 statement, report, or notification that is filed with the
20 Commission under this Act available for inspection by the
21 public in the offices of the Commission and accessible to
22 the public on the Internet not later than 48 hours (or not
23 later than 24 hours in the case of a designation, state-
24 ment, report, or notification filed electronically) after re-
25 ceipt by the Commission.”.

1 **SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION RE-**
2 **PORTS.**

3 (a) IN GENERAL.—The Federal Election Commission
4 shall maintain a central site on the Internet to make ac-
5 cessible to the public all publicly available election-related
6 reports and information.

7 (b) ELECTION-RELATED REPORT.—In this section,
8 the term “election-related report” means any report, des-
9 ignation, or statement required to be filed under the Fed-
10 eral Election Campaign Act of 1971.

11 (c) COORDINATION WITH OTHER AGENCIES.—Any
12 Federal executive agency receiving election-related infor-
13 mation which that agency is required by law to publicly
14 disclose shall cooperate and coordinate with the Federal
15 Election Commission to make such report available
16 through, or for posting on, the site of the Federal Election
17 Commission in a timely manner.

18 **SEC. 503. ADDITIONAL MONTHLY AND QUARTERLY DISCLO-**
19 **SURE REPORTS.**

20 (a) PRINCIPAL CAMPAIGN COMMITTEES.—

21 (1) MONTHLY REPORTS.—Section 304(a)(2)(A)
22 of the Federal Election Campaign Act of 1971 (2
23 U.S.C. 434(a)(2)(A)) is amended by striking clause
24 (iii) and inserting the following:

25 “(iii) additional monthly reports, which
26 shall be filed not later than the 20th day after

1 the last day of the month and shall be complete
2 as of the last day of the month, except that
3 monthly reports shall not be required under this
4 clause in November and December and a year
5 end report shall be filed not later than January
6 31 of the following calendar year.”.

7 (2) QUARTERLY REPORTS.—Section
8 304(a)(2)(B) of such Act is amended by striking
9 “the following reports” and all that follows through
10 the period and inserting “the treasurer shall file
11 quarterly reports, which shall be filed not later than
12 the 15th day after the last day of each calendar
13 quarter, and which shall be complete as of the last
14 day of each calendar quarter, except that the report
15 for the quarter ending December 31 shall be filed
16 not later than January 31 of the following calendar
17 year.”.

18 (b) NATIONAL COMMITTEE OF A POLITICAL
19 PARTY.—Section 304(a)(4) of the Federal Election Cam-
20 paign Act of 1971 (2 U.S.C. 434(a)(4)) is amended by
21 adding at the end the following flush sentence: “Notwith-
22 standing the preceding sentence, a national committee of
23 a political party shall file the reports required under sub-
24 paragraph (B).”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) SECTION 304.—Section 304(a) of the Fed-
 2 eral Election Campaign Act of 1971 (2 U.S.C.
 3 434(a)) is amended—

4 (A) in paragraph (3)(A)(ii), by striking
 5 “quarterly reports” and inserting “monthly re-
 6 ports”; and

7 (B) in paragraph (8), by striking “quar-
 8 terly report under paragraph (2)(A)(iii) or
 9 paragraph (4)(A)(i)” and inserting “monthly
 10 report under paragraph (2)(A)(iii) or paragraph
 11 (4)(A)”.

12 (2) SECTION 309.—Section 309(b) of the Fed-
 13 eral Election Campaign Act of 1971 (2 U.S.C.
 14 437g(b)) is amended by striking “calendar quarter”
 15 and inserting “month”.

16 **SEC. 504. PUBLIC ACCESS TO BROADCASTING RECORDS.**

17 Section 315 of the Communications Act of 1934 (47
 18 U.S.C. 315), as amended by this Act, is amended by redes-
 19 ignating subsections (e) and (f) as subsections (f) and (g),
 20 respectively, and inserting after subsection (d) the fol-
 21 lowing:

22 “(e) POLITICAL RECORD.—

23 “(1) IN GENERAL.—A licensee shall maintain,
 24 and make available for public inspection, a complete

1 record of a request to purchase broadcast time
2 that—

3 “(A) is made by or on behalf of a legally
4 qualified candidate for public office; or

5 “(B) communicates a message relating to
6 any political matter of national importance,
7 including—

8 “(i) a legally qualified candidate;

9 “(ii) any election to Federal office; or

10 “(iii) a national legislative issue of
11 public importance.

12 “(2) CONTENTS OF RECORD.—A record main-
13 tained under paragraph (1) shall contain informa-
14 tion regarding—

15 “(A) whether the request to purchase
16 broadcast time is accepted or rejected by the li-
17 censee;

18 “(B) the rate charged for the broadcast
19 time;

20 “(C) the date and time on which the com-
21 munication is aired;

22 “(D) the class of time that is purchased;

23 “(E) the name of the candidate to which
24 the communication refers and the office to
25 which the candidate is seeking election, the elec-

1 tion to which the communication refers, or the
2 issue to which the communication refers (as ap-
3 plicable);

4 “(F) in the case of a request made by, or
5 on behalf of, a candidate, the name of the can-
6 didate, the authorized committee of the can-
7 didate, and the treasurer of such committee;
8 and

9 “(G) in the case of any other request, the
10 name of the person purchasing the time, the
11 name, address, and phone number of a contact
12 person for such person, and a list of the chief
13 executive officers or members of the executive
14 committee or of the board of directors of such
15 person.

16 “(3) TIME TO MAINTAIN FILE.—The informa-
17 tion required under this subsection shall be placed in
18 a political file as soon as possible and shall be re-
19 tained by the licensee for a period of not less than
20 2 years.”.

Union Calendar No. 73

107TH CONGRESS
1ST SESSION

H. R. 2356

[Report No. 107–131, Part I]

A BILL

To amend the Federal Election Campaign Act of
1971 to provide bipartisan campaign reform.

JULY 10, 2001

Reported adversely from the Committee on House
Administration

JULY 10, 2001

Referral to the Committees on Energy and Commerce
and the Judiciary extended for a period ending not
later than July 10, 2001

JULY 10, 2001

The Committees on Energy and Commerce and the Judi-
ciary discharged; referred to the Committee of the
Whole House on the State of the Union and ordered
to be printed